

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

MICHAEL T. GIBBS, JR.)	
)	No. 1:13-CV-203
<i>Plaintiff,</i>)	<i>Judge Mattice</i>
v.)	
)	
JUDGE BARRY STEELMAN;)	
HAMILTON COUNTY; HAMILTON)	
COUNTY JAIL; SHERIFF JIM)	
HAMMONDS; and STATE OF)	
TENNESSEE;)	
)	
<i>Defendants.</i>)	

MEMORANDUM

Michael T. Gibbs, Jr., a state prisoner who has accumulated more than three strikes pursuant to 28 U.S.C. § 1915(g), filed a *pro se* civil rights action under 42 U.S.C. § 1983 (Doc. 2) and a motion to amend (Doc. 4).

The Court previously concluded § 1915(g) of the PLRA applies to Plaintiff and prevents him from proceeding *in forma pauperis*, because, while incarcerated, Plaintiff has had at least three prior civil rights actions dismissed as frivolous or for failure to state a claim for relief (Doc. 8). See, e.g. *Gibbs v. Day, et. al.*, Civil Action No. 3:09-cv-613 (E.D. TN. March 30, 2011) (dismissed failure to state a claim); *Gibbs v. Osborne et. al.*, Civil Action No. 3:12-cv-576 (E.D. TN. Jan. 23, 2013) (dismissed as frivolous and for failure to state a claim); *Gibbs v. Haslam*, Civil Action No. 1:12-cv-364 (E.D. TN. May 1, 2013) (dismissed pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A as frivolous).

The Court concluded Plaintiff's general and rambling allegations were insufficient to allow him to proceed *in forma pauperis* pursuant to the imminent danger exception. Because the record lacked any evidence of imminent serious physical harm to Plaintiff, the Court determined he must prepay the entire \$350.00 filing fee in order to file this action. The Court issued an order requiring Plaintiff to pay the full filing fee within twenty (20) days from its December 18, 2013, Memorandum and Order (Doc. 8). Plaintiff was notified that if he failed to pay the full filing fee, his complaint would be dismissed without prejudice pursuant to the three-strike rule of 28 U.S.C. § 1915(g).

Plaintiff has failed to pay the filing fee or respond to the Court's December 18, 2013, Memorandum and Order. Accordingly, this action will be **DISMISSED** without prejudice under the "three strikes" rule of 28 U.S.C. § 1915(g) for Plaintiff's failure to pay the filing fee, and the Clerk **SHALL** enter final judgment and close the case (Docs. 2 & 4).

A judgment will enter.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE